

REMARKS

Summary of the Office Action

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0 315 365 to Wright in view of U.S. Patent No. 5,777,591 to Katoh et al. (hereinafter Katoh).

Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright and Katoh as applied to claim 1 above, and further in view of U.S. Patent No. 5,907,314 to Negishi et al. (Negishi).

Summary of the Response to the Office Action

Applicant respectfully submits that the rejections under 35 U.S.C. § 103(a) are improper and therefore should be withdrawn. Accordingly, claims 1-6 remain pending for further consideration.

The Rejections under 35 U.S.C. 103(a)

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright in view of Katoh. Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright and Katoh as applied to claim 1 above, and further in view of Negishi. Applicant respectfully traverses the rejections under 35 U.S.C. § 103(a) for at least the following reasons.

With respect to independent claims 1 and 4, Applicant respectfully submits that Wright, Katoh and Negishi, whether taken separately or in combination, do not teach or suggest the

claimed combination including at least a feature of “a plurality of first switching devices in the gate lines such that each gate line is provided with at least one of the plurality of first switching devices, the plurality of first switching devices being provided for switching a driving mode of the plurality of liquid crystal cells to either a divisional driving mode or a non-divisional driving mode.”

In the previous Request for Reconsideration filed February 2, 2005, Applicant respectfully argued that all of the applied references, whether taken separately or in combination, do not teach or suggest the above-noted feature. In response, the Final Office Action indicates at Page 4, Section 4 that “[a]s shown in Figs. 1, 5, 9 of Katoh, the display panel having a first sub-matrix (first group 28) and a second-matrix (second group 29) between the column electrodes.” Then, the Final Office Action goes on to allege that “Wright as modified by Katoh would have the display panel is separated into two sub-matrices between the row electrodes, and have the plurality of switching devices provided at the gate lines for separating the sub-matrices between the column electrodes and for switching a driving mode of the plurality of cells to either a divisional driving mode or a non-divisional driving mode in column direction as claimed.”

MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).”

While Katoh does disclose two sub-matrixes 28 and 29, Applicant respectfully submits that Katoh neither teaches nor suggests the “first switching devices in the gate lines” as recited in claims 1 and 4. In other words, Katoh fails to teach or suggest the claim feature that the Office concedes is not taught or suggested by Wright. Thus, even if combined, Wright and Katoh fail to teach or suggest this claim feature.

In addition, the Final Office Action does not rely upon Negishi to cure any aspect of the above-noted deficiencies of Wright and Katoh, and Applicant respectfully submits that Negishi cannot remedy those deficiencies of Wright and Katoh.

Moreover, MPEP § 2143.01 instructs that “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990),” and “[a]lthough a prior art device ‘may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.’ 916 F.2d 680, 16 USPQ2d at 1432.” Applicant respectfully submits that there is no suggestion or motivation to modify the plurality of “switching transistors” 17-22 of Wright to be provided at the gate lines. The only purported motivation provided in the Final Office Action, “to provide a matrix display apparatus with a simple structure but capable of significant improvement in display image,” appears to have been improperly gleaned from Applicant’s present disclosure. See, e.g., paragraphs [0014]-[0017]. In other words, the Office has used impermissible hindsight in an attempt to reconstruct the claimed invention. Thus, for this additional reason, Applicant

respectfully submits that the Final Office Action has not established a *prima facie* case of obviousness and that the rejections under 35 U.S.C. § 103(a) are improper.

Accordingly, for at least the reasons set forth above, Applicant respectfully asserts that claims 1 and 4 are not obvious and that the rejections under 35 U.S.C. §103(a) should be withdrawn. Furthermore, Applicant respectfully asserts that the rejections of dependent claims 2-3 and 5-6 should also be withdrawn at least because of their respective dependencies upon independent claims 1 and 4.

With no other rejection pending, Applicant respectfully submits that claims 1-6 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully requests the entry of this Request for Reconsideration to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Applicant also respectfully requests the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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